

### **AMENDMENTS TO THE DRAWINGS**

Please replace Figure 3 with Replacement Sheet Figure 3. No new matter has been added.

Attachment: Replacement Sheet

## REMARKS

The undersigned thanks Examiner Rickman for the courtesies extended during the telephone interview of February 28, 2006. During the interview, the Examiner suggested that in order for the limitation "wherein the underlayer without the seedlayer is isotropic and the seedlayer induces anisotropy in the underlayer" be given weight to patentably distinguish the claimed structure over the media of Mallary, Applicants should show that the NiP seedlayer that lies below the permalloy soft magnetic layer in the perpendicular magnetic recording disk of Mallary does *not* induce radial anisotropy in the permalloy soft magnetic layer of Mallary, unlike in the claimed invention. The undersigned explained that a declaration by Dr. Chung-Hee Chang, one of the inventors was submitted in the parent application, now U. S. Patent No. 6,709,773, which shows that the NiP seedlayer that lies below the permalloy soft magnetic layer in the perpendicular magnetic recording disk of Mallary does *not* induce radial anisotropy in the permalloy soft magnetic layer of Mallary. The Examiner suggested that the undersigned should re-submit this declaration to overcome the rejections over Mallary.

The undersigned also asked if claim 9 would be allowable if re-written in independent form and if a terminal disclaimer was submitted to overcome the obviousness-type double patenting rejection. The Examiner said that claim 9, amended as suggested above, would be allowable over Mallary, but she would need to undertake a further prior art search. Furthermore, the undersigned inquired if claim 9 would still be allowable if re-written in independent form (as in new claim 23) without the limitation "wherein the underlayer without the seedlayer is isotropic and the seedlayer induces anisotropy in the underlayer." The Examiner said that such a claim would still likely be allowable over Mallary.

The revised Fig. 3 more clearly illustrates the components and reference numbers of the recording medium. No new matter has been introduced by the revised Fig. 3, specification at page

12, lines 10-18. The objection to the drawing should be overcome in light of the revised Fig. 3 submitted herewith.

Claim 9 was rejected for obviousness-type double patenting over claim 1 of U.S. Patent No. 6,709,773. This rejection is respectfully traversed and should be overcome in light of the terminal disclaimer submitted herewith.

Claims 1-2, 4-8, 10 and 21-22 were rejected as being anticipated by Mallary. This rejection is respectfully traversed.

Mallary discloses a NiP-plated substrate and a soft magnetic layer formed from permalloy deposited on the NiP layer. A "permalloy" is "A trade name for any of several highly magnetically permeable iron-base alloys containing about 45-80% nickel." *McGraw-Hill Dictionary of Scientific and Technical Terms*, 1188 (1984). It is the Examiner's contention that NiP functions as the claimed seedlayer. Applicants respectfully submit that this is incorrect. A permalloy layer on a NiP layer does *not* produce radial anisotropy in permalloy on a magnetic recording disk. Instead, a permalloy layer on a NiP layer produces *circumferential anisotropy* in permalloy on a magnetic recording disk. This is shown in the attached Declaration of Dr. Chung-Hee Chang. Thus, Mallary does not explicitly or inherently meet the limitation "wherein the underlayer without the seedlayer is isotropic and the seedlayer induces radial anisotropy in the underlayer" recited in claims 1, 21 and 22.

Claim 3 was rejected as being obvious over Mallary in view of Shimizu. This rejection is respectfully traversed and should be withdrawn as Shimizu fails to fill the gaps in Mallary as they relate to the limitation "wherein the underlayer without the seedlayer is isotropic and the seedlayer induces radial anisotropy in the underlayer."

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 146712002020.

Dated: April 10, 2006

Respectfully submitted,

By 

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**REPLACEMENT SHEET**